IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23358 of 2004

Between:

S.Durga Prasad, s/o Arjunrao,
Attapur, A.P.C.P.D.C.L., Kushanbagh, Hyderabad.

..... PETITIONER

AND

1 The Superintending Engineer (Operation) South Circle, Mint

Compound, Hyderabad.
2 The Chairman & Managing Director, A.P.C.P.D.C.L., Singareni

Bhavan, Red Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of mandamus declaring the impugned Memo No.SE/OP/SOUTH/Hyd/Adm.A1/D.No.1389/2003 dt.29-11-2003 issued by the 1st respondent and set aside the same as illegal, arbitrary, unjust, motivated and violative of Articles 14, 16 and 21 of the Constitution of India and pass such other order or orders.

Counsel for the Petitioner:MR.M.RAMGOPAL RAO

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court made the following:

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ORDER:

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Challenging the suspension order dated 29.11.2003 issued by the first respondent, the present writ petition is filed.

2. The learned counsel appearing for the petitioner contended that at the time of alleged incident, the petitioner was not at all present, and therefore, the suspension
is illegal. He further contended that the petitioner has
filed a representation to the Chairman and Managing Director-second respondent to revoke the suspension order.

3. On the other hand, the learned counsel appearing for the respondents contended that since it is a case of corruption, the departmental enquiry cannot be conducted unless the trial of the criminal case is proceeded with. Therefore it is only a suspension pending enquiry and there are no grounds to interfere with the impugned proceedings.

4 . Normally, this Court cannot interfere with the suspension ordered pending enquiry, unless the jurisdiction of the person is under challenge. The competency or jurisdiction of the first respondent in placing the petitioner under suspension is not under challenge. Further, the petitioner made a representation through proper channel to the second respondent on 23.04.2004 to revoke the suspension order. As a statutory appeal is also provided against the suspension order, before the second respondent, the representation of the petitioner dated 23.04.2004 shall be treated as an appeal and the same shall have to be disposed of by the second respondent in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No order as to costs.

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K.C.BHANU, J

December 16, 2004.

Note:

Issue copy in three days.

(B/O)

YCR

Copy to:

1. The Superintending Engineer (Operation) South Circle, Mint

Compound, Hyderabad.

2 The Chairman & Managing Director, A.P.C.P.D.C.L., Singareni

Bhavan, Red Hills, Hyderabad.

3. Two C.D. copies

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